



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on October 18, 2004

**NOTICE OF ACTION TAKEN -- DOCKETS OST-2004-18614 and 2004-18616**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of America West Airlines, Inc. Docket 2004-18616 filed 7/12/04 for:

**XX** Exemption for America West under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property and mail between a point or points in the United States, via intermediate points, to a point or points in Jordan and beyond. America West intends to operate this service pursuant to a code-share arrangement with Royal Jordanian.<sup>1</sup>**

Joint application of America West Airlines, Inc. and Royal Jordanian Airlines Docket 2004-18614 filed 7/12/04 for:<sup>2</sup>

**XX** Statement of authorization for Royal Jordanian under 14 CFR Part 212 to:

**Permit Royal Jordanian to transport persons, property and mail under America West's designator code (HP) between Amman, Jordan, and points in the United States.**

Applicant rep: Joanne W. Young, (202) 861-1532 DOT Analyst: Gerald Caolo (202) 366-2406  
(America West)  
Michael Boulos  
(Royal Jordanian)

**DISPOSITION**

**XX** **Granted** (subject to conditions, see below)

The above action with respect to America West's exemption authority was effective when taken: **October 18, 2004**, through **October 18, 2006**

The statement of authorization granted to Royal Jordanian were effective when taken: **October 18, 2004**, and will remain in effect indefinitely, subject to the conditions listed below.

<sup>1</sup> Initially, Royal Jordanian will display the America West code on its flights between Amman, on the one hand, and Detroit, New York, and Chicago, on the other hand. America West will display the Royal Jordanian code on its flights between Phoenix and Las Vegas, on the one, hand, and Detroit, New York, and Chicago, on the other and between Los Angeles and San Francisco, on the one hand and New York, on the other.

<sup>2</sup> We previously granted a statement of authorization to America West that was requested as part of the America West-Royal Jordanian joint application in Docket OST-2004-18614. We deferred action on the requested statement of authorization for Royal Jordanian. See Notice of Action Taken dated September 3, 2004, Docket OST-2004-18614.

Action taken by: **Paul L. Gretch, Director**  
**Office of International Aviation**

**XX** The authority granted is consistent with the aviation agreement between the United States and Jordan.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** America West's certificates of public convenience and necessity  
**XX** Standard exemption conditions (attached)

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**Conditions:**

**The exemption authority granted is subject to the following condition:**

The authority granted to operate to third countries is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

**The statement of authorization granted is subject to the following conditions:**

- (a) The statement of authorization will remain in effect only as long as (i) America West and Royal Jordanian continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) America West and/or Royal Jordanian must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2004-18614.<sup>3</sup>
- (c) America West and/or Royal Jordanian must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. Such notices should be filed in Docket OST-2004-18614.
- (d) The code-sharing conducted under this authority must comply with Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in the computer reservation systems and elsewhere; and that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected. Further, the operating carrier shall not permit the code of its U.S. air carrier code-sharing partner to be carried on any flights that enter, depart, or transit the airspace of any area for whose airspace the Federal Administration has issued a flight prohibition.
- (e) The authority granted here is specifically conditioned so that neither America West nor Royal Jordanian shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

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<sup>3</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

(f) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

**Remarks:**

The applicants have requested a term of five years for the effectiveness of the statement of authorization. However, our general policy in a case such as this has been to grant such authority for an indefinite period subject to the conditions above. Therefore, we have sua sponte decided to grant the statement of authorization for an indefinite period.

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On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found America West qualified to provide the exemption services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

**U.S. Carrier Exemption Conditions**

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.

05/2004